

## **REMARKS/ARGUMENTS**

In the Office Action mailed January 3, 2008 (hereinafter, "Office Action"), claims 1, 4, 7, 9, 12, 15 and 17 stand rejected under 35 U.S.C. § 112. Claims 1-18 stand rejected under 35 U.S.C. § 103. Claims 1, 4, 7, 9, 12, 15 and 17 have been amended.

Applicants respectfully respond to the Office Action.

### **I. Claims 1, 4, 7, 9, 12, 15 and 17 Rejected Under 35 U.S.C § 112**

Claims 1, 4, 7, 9, 12, 15 and 17 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office Action asserts that "traditional networks require intermediary devices (i.e. routers, gateways, other servers, etc) between the server and client(s), communicating with one another." (Office Action, page 2.)

Claims 1, 4, 7, 9, 12, 15 and 17 have been amended to remove the subject matter of "direct" communication between servers and clients. As such, Applicants respectfully request that the rejection of claims 1, 4, 7, 9, 12, 15 and 17 be withdrawn.

### **II. Claims 1-18 Rejected Under 35 U.S.C. § 103**

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,519,704 to Farinacci et al. (hereinafter, "Farinacci") in view of U.S. Patent No. 5,036,518 to Tseung (hereinafter, "Tseung"). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. \_\_\_, 2007 U.S. LEXIS 4745, at \*\*4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references "must teach or suggest all the claim limitations." M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection "should be made

explicit.” KSR, 2007 U.S. LEXIS 4745, at \*\*37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the subject matter in these claims.

Claim 1 has been amended to recite “prioritizing requests to complete said task, if more than one request is received by said server computer from each of a plurality of computers.” Support for this amendment may be found in Applicants’ specification, for example, page 16, lines 11-12 and page 18, lines 7-8. Farinacci, alone or in combination with Tseung, does not teach or suggest this subject matter.

Instead, Farinacci states “[h]ello packets 401 may be multicast when a router 105 is first started, to indicate that a topology update is requested.” (Farinacci, col. 6, lines 66-67.) Multicasting a request for an updated topology does not teach or suggest “prioritizing requests to complete said task, if more than one request is received by said server computer from each of a plurality of computers.”

In addition, Farinacci states “[r]equest packets 405 are [sic] may be multicast or unicast; a request packet 405 indicates a request for a topology update.” (Farinacci, col. 7, lines 25-26.) Simply stating that a request packet “may be multicast or unicast” does not teach or suggest “prioritizing requests to complete said task, if more than one request is received by said server computer from each of a plurality of computers.” There is no teaching or suggestion by Farinacci that such requests are fulfilled “in accordance with . . . said prioritization.”

Further, Farinacci states “[n]ode C 301c has no feasible successor for its route to node N 301n, so it sends a query packet 403 as its response to node B 301b.” (Farinacci, col. 5, lines 53-55.) The Office Action points to this section of Farinacci to support the assertion that Farinacci teaches “[r]eceiving, by said server computer, a request to complete said task.” (See Office Action, page 3.) However, merely stating that a query packet is sent because there is no feasible successor for a

particular node in a route does not teach or suggest “prioritizing requests to complete said task, if more than one request is received by said server computer from each of a plurality of computers.”

The addition of Tseung does not overcome the deficiencies of Farinacci. The Office Action points to Tseung to support the assertion that “Tseung teaches a design allowing for software installs and updates through multicasts.” (Office Action, page 4.) The Office Action does not point to, and Applicants cannot find, any teaching or suggestion by Tseung of “prioritizing requests to complete said task, if more than one request is received by said server computer from each of a plurality of computers.”

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 2 and 3 depend directly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2 and 3 be withdrawn.

Claims 4, 7, 9, 12, 15 and 17 have been amended with subject matter similar to the subject matter amended to claim 1. As such, Applicants submit that claims 4, 7, 9, 12, 15 and 17 are patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claims 4, 7, 9, 12, 15 and 17 be withdrawn.

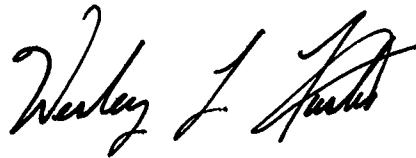
Claims 5 and 6 depend directly from claim 4. Claim 8 depends directly from claim 7. Claims 10 and 11 depend directly from claim 9. Claims 13 and 14 depend directly from claim 12. Claim 16 depends directly from claim 15. Claim 18 depends directly from claim 17. Accordingly, Applicants respectfully request that the rejection of claims 5, 6, 8, 10, 11, 13, 14, 16 and 18 be withdrawn.

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Amdt. dated April 3, 2008  
Reply to Office Action of January 3, 2008

### **III. Conclusion**

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

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